

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71(1) of the Private Housing (Tenancies)(Scotland) Act 2016 and section 1 of the Debtors (Scotland) Act 1987

Chamber Ref: FTS/HPC/CV/24/1786

Re: Property at 1/1, 35 Whitehaugh Road, Glasgow, G53 7JQ (“the Property”)

Parties:

Mr Brian Cuthbertson, Mrs Helen Cuthbertson, Ms Karen Ann Stewart, Mr Steven Cuthbertson, 23 Selkirk Avenue, Paisley, PA2 9JF; 23 Selkirk Avenue, Paisley, PA2 9JF; 12 Lambie Crescent, Newton Mearns, Glasgow, G77 6JU; 39 Thistle Avenue, Newton Mearns, Glasgow, G77 6FY (“the Applicant”)

Ms Vicky Gardner, 1/1, 35 Whitehaugh Road, Glasgow, G53 7JQ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for payment in the sum of ONE THOUSAND EIGHT HUNDRED AND FIFTY POUNDS (£1850). The Tribunal made a time to pay direction under section 1(1) of the Debtors (Scotland) Act 1987 requiring the respondent to pay the sum of £100 per month until the full amount has been paid.

Reasons for the decision

1. By application dated 18 April 2024 the applicants sought an order for payment of rent arrears in the sum of £3350.
2. The case was heard alongside conjoined case ref FTS/HPC/EV/1785 in terms of which the applicants seek an order for eviction relying on ground 1 in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 – landlord intends to sell the property.

3. The applicants lodged the following documents with the application
 - Rent statement
 - Copy Private Residential Tenancy agreement with a commencement date of 1 June 2022
4. A case management discussion (“cmd”) was assigned for 11 September 2024.
5. Both parties were legally represented at the case management discussion.
6. The application was adjourned to a hearing to allow the respondent to make an application for a time to pay direction and for the applicant to consider whether to accept any offer.
7. On 9 October 2024 the respondent’s solicitor submitted an application for a time to pay direction offering payments of £100 per month toward the debt.
8. On 9 December 2024 both parties’ solicitors emailed the Tribunal to advise that a settlement had been agreed in respect of the application. The agreed settlement terms were that the sum sought was reduced to £1850. This reflected the current amount owed. An updated rent statement was lodged by the applicant’s solicitor. Parties were in agreement that a time to pay direction should be granted specifying payments of £100 per month.
9. Rule 18 states:

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

10. In light of the written representations submitted by both parties the Tribunal determined to make a decision to grant an order without the need for a hearing in terms of rule 18 to give effect to the settlement terms agreed between parties' legal representatives. In line with the agreed settlement the Tribunal determined to grant of order for payment in the sum of £1850 with a time to pay direction requiring monthly payments of £100 until the amount is repaid in full.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Mary-Claire Kelly

Legal Member/Chair

10 December 2024_____
Date